

105TH CONGRESS  
2D SESSION

# H. R. 3662

To establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Mr. LEACH (for himself, Mr. GILMAN, Mr. GEJDENSON, Mr. LANTOS, Mr. FOX of Pennsylvania, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Banking and Financial Services

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## A BILL

To establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “U.S. Holocaust Assets  
5       Commission Act of 1998”.

1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

2 (a) ESTABLISHMENT.—There is established a Presi-  
3 dential Commission, to be known as the “Presidential Ad-  
4 visory Commission on Holocaust Assets in the United  
5 States” (hereafter in this Act referred to as the “Commis-  
6 sion”).

7 (b) MEMBERSHIP.—

8 (1) NUMBER.—The Commission shall be com-  
9 posed of 19 members, appointed in accordance with  
10 paragraph (2).

11 (2) APPOINTMENTS.—Of the 19 members of  
12 the Commission—

13 (A) 7 shall be private citizens, appointed  
14 by the President;

15 (B) 3 shall be representatives of the De-  
16 partment of State, the Department of Justice,  
17 and the Department of the Treasury (1 rep-  
18 resentative of each such Department), ap-  
19 pointed by the President;

20 (C) 2 shall be Members of the House of  
21 Representatives, appointed by the Speaker of  
22 the House of Representatives;

23 (D) 2 shall be Members of the House of  
24 Representatives, appointed by the Minority  
25 Leader of the House of Representatives;

1           (E) 2 shall be Members of the Senate, ap-  
2           pointed by the Majority Leader of the Senate;

3           (F) 2 shall be Members of the Senate, ap-  
4           pointed by the Minority Leader of the Senate;  
5           and

6           (G) 1 shall be the Chairperson of the  
7           United States Holocaust Memorial Council.

8           (3) CRITERIA FOR MEMBERSHIP.—Each private  
9           citizen appointed to the Commission shall be an indi-  
10          vidual who has a record of demonstrated leadership  
11          on issues relating to the Holocaust or in the fields  
12          of commerce, culture, or education that would assist  
13          the Commission in analyzing the disposition of the  
14          assets of Holocaust victims.

15          (4) ADVISORY PANELS.—The Chairperson of  
16          the Commission may, in the discretion of the Chair-  
17          person, establish advisory panels to the Commission,  
18          including State or local officials, representatives of  
19          organizations having an interest in the work of the  
20          Commission, or others having expertise that is rel-  
21          evant to the purposes of the Commission.

22          (5) DATE.—The appointments of the members  
23          of the Commission shall be made not later than 90  
24          days after the date of enactment of this Act.

1       (c) CHAIRPERSON.—The Chairperson of the Commis-  
2 sion shall be selected by the President from among the  
3 members of the Commission appointed under subpara-  
4 graph (A) or (B) of subsection (b)(2).

5       (d) PERIOD OF APPOINTMENT.—Members of the  
6 Commission shall be appointed for the life of the Commis-  
7 sion.

8       (e) VACANCIES.—Any vacancy in the membership of  
9 the Commission shall not affect its powers, but shall be  
10 filled in the same manner as the original appointment.

11       (f) MEETINGS.—The Commission shall meet at the  
12 call of the Chairperson at any time after the date of ap-  
13 pointment of the Chairperson.

14       (g) QUORUM.—Thirteen of the members of the Com-  
15 mission shall constitute a quorum, but a lesser number  
16 of members may hold meetings.

17 **SEC. 3. DUTIES OF THE COMMISSION.**

18       (a) ORIGINAL RESEARCH.—

19           (1) IN GENERAL.—Except as otherwise pro-  
20 vided in paragraph (3), the Commission shall con-  
21 duct a thorough study and develop an historical  
22 record of the collection and disposition of the assets  
23 described in paragraph (2), if such assets came into  
24 the possession or control of the Federal Government,  
25 including the Board of Governors of the Federal Re-

1 serve System and any Federal reserve bank, at any  
2 time after January 30, 1933—

3 (A) after having been obtained from vic-  
4 tims of the Holocaust by, on behalf of, or under  
5 authority of a government referred to in sub-  
6 section (c);

7 (B) because such assets were left un-  
8 claimed as the result of actions taken by, on be-  
9 half of, or under authority of a government re-  
10 ferred to in subsection (c); or

11 (C) in the case of assets consisting of gold  
12 bullion, monetary gold, or similar assets, after  
13 such assets had been obtained by the Nazi gov-  
14 ernment of Germany from governmental institu-  
15 tions in any area occupied by the military forces  
16 of the Nazi government of Germany.

17 (2) TYPES OF ASSETS.—Assets described in  
18 this paragraph include—

19 (A) gold, including gold bullion, monetary  
20 gold, or similar assets in the possession of or  
21 under the control of the Board of Governors of  
22 the Federal Reserve System or any Federal re-  
23 serve bank;

24 (B) gems, jewelry, and nongold precious  
25 metals;

1 (C) accounts in banks in the United  
2 States;

3 (D) domestic financial instruments pur-  
4 chased before May 8, 1945, by individual vic-  
5 tims of the Holocaust, whether recorded in the  
6 name of the victim or in the name of a nomi-  
7 nee;

8 (E) insurance policies and proceeds there-  
9 of;

10 (F) real estate situated in the United  
11 States;

12 (G) works of art; and

13 (H) books, manuscripts, and religious ob-  
14 jects.

15 (3) COORDINATION OF ACTIVITIES.—In carry-  
16 ing out its duties under paragraph (1), the Commis-  
17 sion shall, to the maximum extent practicable, co-  
18 ordinate its activities with, and not duplicate similar  
19 activities already or being undertaken by, private in-  
20 dividuals, private entities, or government entities,  
21 whether domestic or foreign.

22 (b) COMPREHENSIVE REVIEW OF OTHER RE-  
23 SEARCH.—Upon request by the Commission and permis-  
24 sion by the relevant individuals or entities, the Commis-  
25 sion shall review comprehensively research by private indi-

1   viduals, private entities, and nonfederal government enti-  
2   ties, whether domestic or foreign, into the collection and  
3   disposition of the assets described in subsection (a)(2), to  
4   the extent that such research focuses on assets that came  
5   into the possession or control of private individuals, pri-  
6   vate entities, or nonfederal government entities within the  
7   United States at any time after January 30, 1933, ei-  
8   ther—

9           (1) after having been obtained from victims of  
10   the Holocaust by, on behalf of, or under authority  
11   of a government referred to in subsection (c); or

12           (2) because such assets were left unclaimed as  
13   the result of actions taken by, on behalf of, or under  
14   authority of a government referred to in subsection  
15   (c).

16   (c) GOVERNMENTS INCLUDED.—A government re-  
17   ferred to in this subsection includes, as in existence during  
18   the period beginning on March 23, 1933, and ending on  
19   May 8, 1945—

20           (1) the Nazi government of Germany;

21           (2) any government in any area occupied by the  
22   military forces of the Nazi government of Germany;

23           (3) any government established with the assist-  
24   ance or cooperation of the Nazi government of Ger-  
25   many; and

1           (4) any government which was an ally of the  
2       Nazi government of Germany.

3       (d) REPORTS.—

4           (1) SUBMISSION TO THE PRESIDENT.—Not  
5       later than December 31, 1999, the Commission shall  
6       submit a final report to the President that shall con-  
7       tain any recommendations for such legislative, ad-  
8       ministrative, or other action as it deems necessary or  
9       appropriate. The Commission may submit interim  
10      reports to the President as it deems appropriate.

11          (2) SUBMISSION TO THE CONGRESS.—After re-  
12      ceipt of the final report under paragraph (1), the  
13      President shall submit to the Congress any rec-  
14      ommendations for legislative, administrative, or  
15      other action that the President considers necessary  
16      or appropriate.

17   **SEC. 4. POWERS OF THE COMMISSION.**

18          (a) HEARINGS.—The Commission may hold such  
19      hearings, sit and act at such times and places, take such  
20      testimony, and receive such evidence as the Commission  
21      considers advisable to carry out this Act.

22          (b) INFORMATION FROM FEDERAL AGENCIES.—The  
23      Commission may secure directly from any Federal depart-  
24      ment or agency such information as the Commission con-  
25      siders necessary to carry out this Act. Upon request of



1 the Chairperson of the Commission, the head of any such  
2 department or agency shall furnish such information to  
3 the Commission as expeditiously as possible.

4 (c) POSTAL SERVICES.—The Commission may use  
5 the United States mails in the same manner and under  
6 the same conditions as other departments and agencies of  
7 the Federal Government.

8 (d) GIFTS.—The Commission may accept, use, and  
9 dispose of gifts or donations of services or property.

10 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

11 (a) COMPENSATION.—No member of the Commission  
12 who is a private citizen shall be compensated for service  
13 on the Commission. All members of the Commission who  
14 are officers or employees of the United States shall serve  
15 without compensation in addition to that received for their  
16 services as officers or employees of the United States.

17 (b) TRAVEL EXPENSES.—The members of the Com-  
18 mission shall be allowed travel expenses, including per  
19 diem in lieu of subsistence, at rates authorized for employ-  
20 ees of agencies under subchapter I of chapter 57 of title  
21 5, United States Code, while away from their homes or  
22 regular places of business in the performance of services  
23 for the Commission.

24 (c) EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DI-  
25 RECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

1           (1) IN GENERAL.—Not later than 90 days after  
2           the selection of the Chairperson of the Commission  
3           under section 2, the Chairperson shall, without re-  
4           gard to the civil service laws and regulations, ap-  
5           point an executive director, a deputy executive direc-  
6           tor, and a general counsel of the Commission, and  
7           such other additional personnel as may be necessary  
8           to enable the Commission to perform its duties  
9           under this Act.

10          (2) QUALIFICATIONS.—The executive director,  
11          deputy executive director, and general counsel of the  
12          Commission shall be appointed without regard to po-  
13          litical affiliation, and shall possess all necessary se-  
14          curity clearances for such positions.

15          (3) DUTIES OF EXECUTIVE DIRECTOR.—The  
16          executive director of the Commission shall—

17                 (A) serve as principal liaison between the  
18                 Commission and other Government entities;

19                 (B) be responsible for the administration  
20                 and coordination of the review of records by the  
21                 Commission; and

22                 (C) be responsible for coordinating all offi-  
23                 cial activities of the Commission.

24          (4) COMPENSATION.—The Chairperson of the  
25          Commission may fix the compensation of the execu-

1        tive director, deputy executive director, general coun-  
2        sel, and other personnel employed by the Commis-  
3        sion, without regard to the provisions of chapter 51  
4        and subchapter III of chapter 53 of title 5, United  
5        States Code, relating to classification of positions  
6        and General Schedule pay rates, except that—

7                (A) the rate of pay for the executive direc-  
8                tor of the Commission may not exceed the rate  
9                payable for level III of the Executive Schedule  
10              under section 5314 of title 5, United States  
11              Code; and

12              (B) the rate of pay for the deputy execu-  
13              tive director, the general counsel of the Com-  
14              mission, and other Commission personnel may  
15              not exceed the rate payable for level IV of the  
16              Executive Schedule under section 5315 of title  
17              5, United States Code.

18        (5) EMPLOYEE BENEFITS.—

19              (A) IN GENERAL.—An employee of the  
20              Commission shall be an employee for purposes  
21              of chapters 84, 85, 87, and 89 of title 5, United  
22              States Code, and service as an employee of the  
23              Commission shall be service for purposes of  
24              such chapters.

1 (B) NONAPPLICATION TO MEMBERS.—This  
2 paragraph shall not apply to a member of the  
3 Commission.

4 (6) OFFICE OF PERSONNEL MANAGEMENT.—  
5 The Office of Personnel Management—

6 (A) may promulgate regulations to apply  
7 the provisions referred to under subsection (a)  
8 to employees of the Commission; and

9 (B) shall provide support services relating  
10 to—

11 (i) the initial employment of employ-  
12 ees of the Commission; and

13 (ii) other personnel needs of the Com-  
14 mission.

15 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
16 Federal Government employee may be detailed to the  
17 Commission without reimbursement to the agency of that  
18 employee, and such detail shall be without interruption or  
19 loss of civil service status or privilege.

20 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
21 TENT SERVICES.—The Chairperson of the Commission  
22 may procure temporary and intermittent services under  
23 section 3109(b) of title 5, United States Code, at rates  
24 for individuals which do not exceed the daily equivalent

1 of the annual rate of basic pay prescribed for level V of  
2 the Executive Schedule under section 5316 of such title.

3 (f) STAFF QUALIFICATIONS.—Any person appointed  
4 to the staff of or employed by the Commission shall be  
5 an individual of integrity and impartiality.

6 (g) CONDITIONAL EMPLOYMENT.—

7 (1) IN GENERAL.—The Commission may offer  
8 employment on a conditional basis to a prospective  
9 employee pending the completion of any necessary  
10 security clearance background investigation. During  
11 the pendency of any such investigation, the Commis-  
12 sion shall ensure that such conditional employee is  
13 not given and does not have access to or responsibil-  
14 ity involving classified or otherwise restricted mate-  
15 rial.

16 (2) TERMINATION.—If a person hired on a con-  
17 ditional basis as described in paragraph (1) is denied  
18 or otherwise does not qualify for all security clear-  
19 ances necessary for the fulfillment of the responsibil-  
20 ities of that person as an employee of the Commis-  
21 sion, the Commission shall immediately terminate  
22 the employment of that person with the Commission.

23 (h) EXPEDITED SECURITY CLEARANCE PROCES-  
24 DURES.—A candidate for executive director or deputy ex-  
25 ecutive director of the Commission and any potential em-

1 ployee of the Commission shall, to the maximum extent  
2 possible, be investigated or otherwise evaluated for and  
3 granted, if applicable, any necessary security clearances  
4 on an expedited basis.

5 **SEC. 6. SUPPORT SERVICES.**

6 During the 180-day period following the date of en-  
7 actment of this Act, the General Services Administration  
8 shall provide administrative support services (including of-  
9 fices and equipment) for the Commission.

10 **SEC. 7. TERMINATION OF THE COMMISSION.**

11 The Commission shall terminate 90 days after the  
12 date on which the Commission submits its final report  
13 under section 3.

14 **SEC. 8. MISCELLANEOUS PROVISIONS.**

15 (a) INAPPLICABILITY OF FACA.—The Federal Advi-  
16 sory Committee Act (5 U.S.C. App.) does not apply to the  
17 Commission.

18 (b) PUBLIC ATTENDANCE.—To the maximum extent  
19 practicable, each meeting of the Commission shall be open  
20 to members of the public.

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated not more  
23 than \$3,500,000 for the interagency funding of activities  
24 of the Commission under this Act. Funds made available

- 1 to the Commission pursuant to this section shall remain
- 2 available for obligation until December 31, 1999.

